

October 10, 2002

TO: The Honorable Mayor and City Council Members

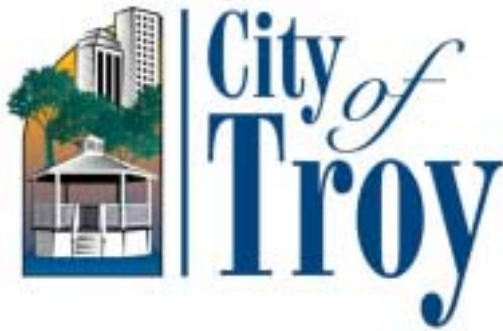
FROM: John Szerlag, City Manager

SUBJECT: Study Session Topics

Attached is the agenda for the October 14, 2002 Study Session. In accordance with requests by Council, I've included ordinance discussions on open space preservation, political signs, and signs in rights-of-way. However, in order to meet our time restrictions, I'm requesting the issues of major street projects and the condemnation process be carried over to the next Study Session. This will leave us with about twenty minutes or so, and thus I included a discussion on the City Council protocol pledge that originally was discussed at our retreat with Dr. Nalbandian.

While this is entirely your call, you may wish to assign a timekeeper from among yourselves to keep Study Session topics on track.

Attachment



STUDY SESSION AGENDA
October 14, 2002 – 7:30 P.M.
Council Board Room – City Hall
500 West Big Beaver, Troy, Michigan 48084
(248) 524-3300

CALL TO ORDER**ROLL CALL**

Mayor Matt Pryor
Robin Beltramini
Cristina Broomfield
David Eisenbacher

Martin F. Howrylak
David A. Lambert
Anthony N. Pallotta

1	Regional Transportation (General Manager Dan Dirks and Service & Planning Manager Ron Ristau from SMART)	7:30 – 8:30
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2	Discussion Regarding Proposed Open Space Preservation Ordinance (Chapter 39)	8:30 – 9:00
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<u>BREAK</u>	9:00 – 9:10
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3	Discussion Regarding City Council Protocol Pledge	9:10 – 9:25
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4	Political Sign Ordinance Discussion (Chapter 85A)	9:25 – 9:40
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5	Ordinance Discussion Regarding Signs in the Right-of-Way, Including Real Estate Signs (Chapter 78 – Section 2.01, 3.02, 7.01.01)	9:40 – 9:55
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6	Major Road Construction Projects – <i>Request to Carry Over to Next Study Session</i>
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7	Condemnation Process – <i>Request to Carry Over to Next Study Session</i>
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PUBLIC COMMENT**ADJOURN**

Respectfully submitted,

John Szerlag, City Manager

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Discussion Points
SMART Transportation
Troy Council Study Session
October 14, 2002

1. Millage Results
2. Description of Existing SMART Services
3. Community Partnership Program
4. DARTA Status
5. Next Steps

SMART Millage Vote Tally
August 2002

COUNTY	TOWNSHIP	2002 Millage		2002 Millage	
		Yes	No	Yes	No
Macomb	Armada Twp	349	485	41.8%	58.2%
Macomb	Bruce Twp	728	756	49.1%	50.9%
Macomb	Chesterfield Twp	2,701	2,430	52.6%	47.4%
Macomb	Clinton Twp	10,239	7,255	58.5%	41.5%
Macomb	Harrison Twp	2,468	2,625	48.5%	51.5%
Macomb	Lake Twp	9	11	45.0%	55.0%
Macomb	Lenox Twp	505	377	57.3%	42.7%
Macomb	Macomb Twp	3,888	3,637	51.7%	48.3%
Macomb	Ray Twp	356	464	43.4%	56.6%
Macomb	Richmond Twp	258	255	50.3%	49.7%
Macomb	Shelby Twp	3,820	3,507	52.1%	47.9%
Macomb	Washington Twp	1,570	1,661	48.6%	51.4%
Macomb	Centerline City	1,054	557	65.4%	34.6%
Macomb	Eastpointe City	3,152	2,919	51.9%	48.1%
Macomb	Fraser City	1,581	1,066	59.7%	40.3%
Macomb	Memphis City	72	56	56.3%	43.8%
Macomb	Mount Clemens City	1,805	916	66.3%	33.7%
Macomb	New Baltimore City	774	565	57.8%	42.2%
Macomb	Richmond City	486	376	56.4%	43.6%
Macomb	Roseville City	4,424	2,628	62.7%	37.3%
Macomb	St. Clair Shores City	8,184	5,434	60.1%	39.9%
Macomb	Sterling Heights City	10,612	7,584	58.3%	41.7%
Macomb	Utica City	412	278	59.7%	40.3%
Macomb	Warren City	11,877	8,189	59.2%	40.8%
Macomb Total		71,324	54,031	56.9%	43.1%

SMART Millage Vote Tally
August 2002

COUNTY	TOWNSHIP	2002 Millage		2002 Millage	
		Yes	No	Yes	No
Oakland	Bloomfield Twp	4,098	3,356	55.0%	45.0%
Oakland	Royal Oak Twp	618	135	82.1%	17.9%
Oakland	West Bloomfield Twp	8,861	5,626	61.2%	38.8%
Oakland	Auburn Hills City	1,435	824	63.5%	36.5%
Oakland	Berkley City	2,739	1,814	60.2%	39.8%
Oakland	Beverly Hills	1,888	1,003	65.3%	34.7%
Oakland	Bingham Farms	301	119	71.7%	28.3%
Oakland	Birmingham City	3,098	1,280	70.8%	29.2%
Oakland	Clawson City	1,529	1,078	58.6%	41.4%
Oakland	Farmington City	1,561	790	66.4%	33.6%
Oakland	Farmington Hills City	10,348	5,738	64.3%	35.7%
Oakland	Ferndale City	2,252	880	71.9%	28.1%
Oakland	Franklin	493	218	69.3%	30.7%
Oakland	Hazel Park City	1,323	835	61.3%	38.7%
Oakland	Huntington Woods City	1,990	505	79.8%	20.2%
Oakland	Madison Heights City	2,732	2,183	55.6%	44.4%
Oakland	Oak Park City	4,240	1,357	75.8%	24.2%
Oakland	Pleasant Ridge City	578	235	71.1%	28.9%
Oakland	Pontiac City	4,581	1,877	70.9%	29.1%
Oakland	Royal Oak City	7,581	4,246	64.1%	35.9%
Oakland	Southfield City	11,570	4,515	71.9%	28.1%
Oakland	Troy City	7,901	5,334	59.7%	40.3%
Oakland Total		81,717	43,948	65.0%	35.0%

SMART Millage Vote Tally
August 2002

COUNTY	TOWNSHIP	2002 Millage		2002 Millage	
		Yes	No	Yes	No
Wayne	Redford Twp	6,223	3,794	62.1%	37.9%
Wayne	Grosse Pt Twp	324	452	41.8%	58.2%
Wayne	Allen Park City	3,789	4,055	48.3%	51.7%
Wayne	Dearborn City	9,976	7,253	57.9%	42.1%
Wayne	Dearborn Heights City	5,709	5,948	49.0%	51.0%
Wayne	Ecorse City	780	388	66.8%	33.2%
Wayne	Garden City	2,940	2,000	59.5%	40.5%
Wayne	Grosse Pointe City	964	652	59.7%	40.3%
Wayne	Grosse Pointe Farms City	1,514	1,272	54.3%	45.7%
Wayne	Grosse Pointe Park City	1,811	1,140	61.4%	38.6%
Wayne	Grosse Pointe Woods City	2,234	2,095	51.6%	48.4%
Wayne	Hamtramck City	1,269	857	59.7%	40.3%
Wayne	Harper Woods City	1,791	1,050	63.0%	37.0%
Wayne	Highland Park City	1,348	368	78.6%	21.4%
Wayne	Inkster City	2,558	1,012	71.7%	28.3%
Wayne	Lincoln Park City	2,763	2,543	52.1%	47.9%
Wayne	Livonia City	10,716	12,002	47.2%	52.8%
Wayne	Melvindale City	820	706	53.7%	46.3%
Wayne	River Rouge City	724	466	60.8%	39.2%
Wayne	Riverview City	1,278	1,223	51.1%	48.9%
Wayne	Romulus City	1,541	1,464	51.3%	48.7%
Wayne	Southgate City	2,342	2,728	46.2%	53.8%
Wayne	Taylor City	4,929	4,740	51.0%	49.0%
Wayne	Trenton City	2,291	2,201	51.0%	49.0%
Wayne	Wayne City	1,456	1,202	54.8%	45.2%
Wayne	Westland City	7,340	5,136	58.8%	41.2%
Wayne	Wyandotte City	2,238	2,338	48.9%	51.1%
Wayne Total		81,668	69,085	54.2%	45.8%
GRAND TOTAL		234,709	167,064	58.4%	41.6%

CURRENT SMART TRANSIT SERVICE PROVIDED TO THE RESIDENTS OF TROY

LINEHAUL

Routes Operated in Troy:

	<u>Average Daily Ridership</u>	<u>Average Saturday Ridership</u>	<u>Average Sunday Ridership</u>
Route 430 (Main Street)	177		
Route 440-450-460 (Woodward Local)	3,658	3,315	1,903
Route 465 (Woodward Limited-Auburn Hills)	272		
Route 494 (Dequindre)	648	444	
Route 495 (John R)	2,290	1,409	631
Route 760 (14 Mile)	296	78	
Route 780 (Fifteen Mile)	293	194	
Route 475 (Woodward Limited)	191		

Route 430 is a feeder route operating weekdays between Somerset and the Royal Oak Transit Center, via Main Street and Big Beaver in Troy. Route 460 is one of three branches of SMART's Woodward route. It operates weekdays and Saturday between Somerset and downtown Detroit, operating on Coolidge and Golfview in Troy. Selected trips serve the K-Mart World Headquarters. Route 465 is a weekday peak hour reverse express route that links downtown Detroit to Auburn Hills and Pontiac via Coolidge Road in Troy. Route 494 operates weekdays from the State Fairgrounds via 8 Mile Road and Dequindre to Big Beaver/16 Mile. Route 495 is a major north-south SMART route. On weekdays it operates between downtown Detroit and Oakland Mall and on Saturdays and

Sundays it operates between Highland Park and Oakland Mall. Route 760 operates weekdays via 14 Mile Road in Troy between Macomb Mall and 13 Mile Road/Telegraph in Franklin and on Saturdays between Oakland Mall and 13 Mile Road/Evergreen in Beverly Hills. Route 780 is a crosstown route connecting Macomb Mall to Orchard Lake Road via 15 Mile Road in Troy. Route 475 is a weekday express route service operating between Brown Rd/Joslyn Road in Auburn Hills and downtown Detroit, with local stops along Big Beaver Road in Troy and serving the Troy Civic Center/Park and Ride lot area.

COMMUNITY TRANSIT

SMART provides dial-a-ride service in Troy. This is a curb-to-curb service provided on an immediate response basis to and from locations in Troy. The Troy Dial-a-Ride provides approximately 285 trips each week. The Big Beaver Job Express service provides another 190 trips to Troy locations weekly. The Oakland Mall Job Shuttle also provides 105 trips to curb-to-curb service from two timepoint locations (Oakland Mall and Meadowbrook Plaza) to various locations within a defined service area. Also, SMART offers advanced reservation Community Transit service on a limited basis for connections to the southern part of the county.

Service hours are 7:00 AM to 6:00 PM, Monday through Friday.

COMMUNITY PARTNERSHIP PROGRAM

SMART encourages partnerships with communities to provide or contract for locally designed service. Since the 1995 millage, Troy has received \$70,031 (80% of total cost) towards the purchase of 2 buses through SMART's vehicle procurement program and a computer and printer valued at \$2,943 through a Federal 16(b)(2) grant administered by SMART.

ADDITIONAL SMART FINANCIAL SUPPORT

Troy receives \$170,911 annually in Municipal Credit and Community Credit funding. These funds are used to support SMART dial-a-ride service. Troy Medi-Go Plus, the municipal transportation program, receives \$20,327 annually in Specialized Service funds for service provided to its residents. Troy Medi-Go Plus service is assisted door to door service for medical purposes and essential trips for Troy residents to destinations in and outside of the city.

FUNDING SOURCE	ANNUAL FINANCIAL SUPPORT BEFORE THE 1995 MILLAGE	CURRENT ANNUAL FINANCIAL SUPPORT	FINANCIAL SUPPORT SINCE THE 1995 MILLAGE
Municipal Credit	\$53,961	\$76,084	\$542,362
Community Credit	\$0	\$94,827	\$490,191
Specialized Service	\$10,380	\$20,327	\$137,125
Community Partnership Program	\$0	\$0	\$70,031
Total	\$64,341	\$191,238	\$1,239,679

October 8, 2002

To: John Szerlag, City Manager
Carol Anderson, Director of Park and Recreation

From: Carla Vaughan

Re: Troy Medi-Go Plus

This report will update you on Troy Medi-Go Plus.

Funding

Funding for Medi-Go is as follows:

City of Troy:	\$170,000
SMART:	\$24,000
Beaumont:	\$15,000
Rider Donations:	\$7,000
Other:	\$5,000

Staff

Medi-Go has one part-time coordinator, one part-time dispatcher and eight part-time drivers.

Vehicles

Medi-Go has four vans that are on the road most days. Occasionally they use only three vans due to low demand. One van was retired last year and replaced with a new mini-van.

Ridership Statistics

Medi-Go has had 435 different riders over the past two years. 35% of these riders live in senior housing (102 at Oakland Park Towers, 28 at Bethany Villa, and 21 at American House). Annual ridership continues to increase as follows:

1999:	4,944 (3,347 seniors, 1,597 disabled)
2000:	5,552 (3,572 seniors, 1,980 disabled)
2001:	9,550 (6,208 seniors, 3,342 disabled)

Approximately 27% of the riders have standing reservations. Medi-Go turns down an average of seven persons per month.

Other

Evening Service: In response to a request from several residents who have adult children with developmental disabilities, Medi-Go is now providing transportation to a monthly evening dance that is sponsored by the Parks and Recreation Department. Depending on demand and on budget constraints, evening service may be expanded

Survey Results

Below is a summary of the results of a recent ridership survey.

Troy Medi-Go Plus Evaluation Results

Fall 2002 - 118 returned

Hours of Service – Do the hours meet your needs?

49 % Highly Satisfied
39 % Satisfied
2 % Somewhat Dissatisfied
2 % Not Satisfied
8 % No Opinion

Need earlier runs for dialysis, etc (five comments)
Need later runs for medical appointments (two comments).
Longer hours.

Availability – Within the current hours of service, are you able to book a ride on the days and times that you request?

48% Highly Satisfied
34% Satisfied
6% Somewhat Dissatisfied
3% Not Satisfied
9% No Opinion

Gave up – got only a recorded message for a whole week.

Reservation Procedure – Is it easy for you to book a ride? Is the dispatcher courteous and considerate?

51% Highly Satisfied
34% Satisfied
4% Somewhat Dissatisfied
8% Not Satisfied
3% No Opinion

Would like to be able to book a doctor's appointment less than two weeks ahead of time (five comments)
Should be more flexible about when reservations can be made – more and/or less than two weeks in advance. Have to make reservations too far in advance.
I was not informed of standing reservations – called three times a week for weeks.
Would like to be able to book more than two weeks ahead of time.
Messages left on answering machine are not returned. We do not know if we will get a ride or not.
You have to call several times to get your time – dispatcher does not call back
Would like to schedule complete physical therapy session – not just two weeks in advance.
The dispatcher always has to call me back.
Dispatcher hours are too limited.
Would like to be able to make a standing reservation for an exercise class at the Community Center.

Dispatcher is considerate and gracious. Very helpful.

October 1, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
Mark F. Miller, Planning Director

Subject: PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT
AMENDMENT (ZOTA 194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B
Open Space Preservation

RECOMMENDATION

The Planning Commission and City Management recommend approval of the Open Space Preservation provisions.

BACKGROUND INFORMATION

On December 14, 2001 House Bill No. 5029 took immediate effect, and amended the City-Village Zoning Act, PA 207 of 1921. The amendment requires the City of Troy to adopt Open Space Preservation provisions for the R-1A and R-1B Zoning Districts, by December 14, 2002. These provisions will permit property owners the option of developing all the permitted dwelling units on a portion of the property, if the balance of the property is undeveloped. The undeveloped land area shall be permanently protected with a conservation easement or other legal restriction. Such provisions can be exercised once by the land owners. These Open Space Preservation provisions are commonly known as cluster zoning or open space zoning. However, the amendment does not prescribe the typical elements of an open space zoning option.

The Planning Department, City Attorney's Office and Planning Commission worked together to draft the proposed Open Space Preservation provisions. It was decided to only address compliance with the Open Space Preservation amendment to the City and Village Zoning Act, because of the December 14, 2002 deadline. The existing CR-1 Zoning District provisions should be reviewed, but separately and at some time in the future. In addition, the basic premise of the provisions is that there should be no negative impact on existing one family neighborhoods.

Generally, cluster developments are viewed as positive, except that the City of Troy experience demonstrates concern regarding density and setbacks in relation to existing homes. Cluster developments, have generally exceeded the surrounding neighborhoods' density (units per acre), when all of the project land is used in the density calculations. Unusable areas such as regulated wetlands and roads increase unit density beyond the surrounding single family neighborhoods. The parallel plan determines the density (units

per acre), when a developer submits a typical subdivision/site condominium. Then the units can be clustered to protect open space and not negatively impact the surrounding one family neighborhoods. In addition, the cluster units are required to maintain an equivalent rear yard setback, to maintain the one family neighborhood character of the adjacent properties. It is the intent of the proposed Open Space Preservation amendment to eliminate negative impacts of cluster development and comply with state law.

Attached to this memorandum include the proposed Open Space Preservation amendment, City and Village Zoning Act amendment, Planning Commission minutes and public comment. Please feel free to contact Mark Miller, Planning Director, if you have any questions.

Attachments (7)

Cc: Mark Stimac, Director of Building and Zoning
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
file/ZOTA-194

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Open Space Preservation Option

Amend the indicated portions of the One Family Residential Districts and the Residential Development Options text in the following manner:

(Underlining, except for major section titles, denotes changes.)

10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act), subject to the requirements of Section 34.60.00.

34.00.00 ARTICLE XXXIV RESIDENTIAL DEVELOPMENT OPTIONS

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One Family Residential zoning districts.

34.60.01 The following objectives shall govern the approval or disapproval of the proposed Open Space Preservation Plan:

- A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.
- B. To encourage developers to use a more creative approach in the development of residential areas.
- C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.
- D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.
- E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

34.60.02 Application Information Requirements: The Open Space Preservation Plan

shall contain the following, in addition to the information required on a complete site plan:

- A. A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:
 - 1. Legal description of dedicated open space, including dedicated easements.
 - 2. Topographical survey of dedicated open space.
 - 3. Types of soil in dedicated open space.
 - 4. Description of natural features on dedicated open space.
 - 5. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.
- B. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:
 - 1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
 - 2. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.
 - 3. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.

34.60.03 Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:

- A. The land is zoned for R-1A or R-1B residential development.
- B. The percentage of land area specified in Section 34.60.06.A below must remain in a perpetually undeveloped state.
- C. The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a "parallel plan".

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.

2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

A. Overall density shall not exceed the number determined in the parallel plan.

B. Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet.

2. Rear yard setbacks shall be equal to or exceed the rear yard setback requirements for adjacent residential zoning districts.

3. The side yard setback for buildings within the development may be reduced to permit buildings not less than 20 feet from one another.

C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

34.60.06 Open Space Requirements:

A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an

undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent (50%) of the minimum required open space shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

- B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.
- C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:
 - 1. Area proposed as single family residential lots.
 - 2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.
 - 3. The area of any street right-of-way or equivalent private road easement.
- D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located

to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

34.60.04 Dwelling Unit Density:

- A. The number of dwelling units allowable within the Open Space Development shall be up to 1.2 the density of the current zoning*

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots providing the following:

- A. Overall density shall not exceed 1.3 times the density allowed for the current zoning*

B Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet.
2. *Rear yard setbacks shall be not less than 35 feet.*
3. *Side yard setbacks from adjoining properties shall not be less than current zoning, but units may be attached within the development.*

- C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

- D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreational

34.60.04 Dwelling Unit Density:

Minimum Requirements: An Open Space Preservation development shall maintain a minimum of 20% of the gross area of the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. *Land in an undeveloped state may include a recreational trail, picnic area, children's play area, greenway, or linear park.* As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space.

October 3, 2002

Council Members
Troy City Council
500 W. Big Beaver Road
Troy, Michigan 48084

RE: Proposed open space preservation development

Dear Council Members:

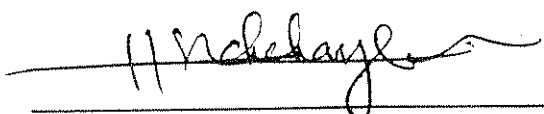
Attached please find our comments typed in the margin of the proposed open space ordinance, for the purpose of a clear follow up on the items that we think should be changed.

Attached also; a letter that had been mailed to the Planning Commission members, August 2, 2002. The letter comments on the items of the proposed ordinance that need to be changed.

In our opinion, the proposed open space ordinance in its present form does not help the development of the difficult parcels remaining in the City of Troy which contain wetland, woodland flood plain, creeks....etc. and in general natural features.

We thank you for considering our comments and we suggest that you get more input and comments from other developers and builders before approving this proposed open space ordinance.

Sincerely,
Choice Development Corporation



Youssef (Joe) Chehayeb
Vice President

9/13/02

09-11-02

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Open Space Preservation Option

Amend the indicated portions of the One Family Residential Districts and the Residential Development Options text in the following manner:

(Underlining, except for major section titles, denotes changes.)

10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act), subject to the requirements of Section 34.60.00.

34.00.00 ARTICLE XXXIV RESIDENTIAL DEVELOPMENT OPTIONS

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One Family Residential zoning districts.

34.60.01 The following objectives shall govern the approval or disapproval of the proposed Open Space Preservation Plan:

- A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.
- B. To encourage developers to use a more creative approach in the development of residential areas.
- C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.
- D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.
- E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

34.60.02

Application Information Requirements: The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:

- A. A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:
 - 1. Legal description of dedicated open space, including dedicated easements.
 - 2. Topographical survey of dedicated open space.
 - 3. Types of soil in dedicated open space.
 - 4. Description of natural features on dedicated open space.
 - 5. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.
 - B. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:
 - 1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
 - 2. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.
 - 3. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.
- 34.60.03 Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:
- A. The land is zoned for R-1A or R-1B residential development.
 - B. The percentage of land area specified in Section 34.60.06.A below must remain in a perpetually undeveloped state.
 - C. The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.

34.60.04 Dwelling Unit Density:

- A. The number of dwelling units allowable within the Open Space Development shall be ~~determined through the preparation of a "parallel plan"~~

At least as the current Density if not greater Other communities give bonus densities above the standard or current densities to encourage developers to use the open space option The proposed "parallel Plan" in most cases yields densities less than the current one.

1.

~~The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.~~

Delete

2.

~~The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.~~

34.60.05

Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

- A. Overall density shall ~~not exceed the number determined in the parallel plan~~

Be equal to or greater than the current zoning

- B. Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet. 2.

25 feet is good

2. Rear yard setbacks shall be equal to ~~or exceed the rear yard setback requirements for adjacent zoning districts.~~ 3.

35 feet all around to provide flexibility in applying the cluster option, and as permitted by current ordinance

3. The side yard setback for buildings within the development may be reduced to permit buildings not less than ~~20 feet~~ from one another. 4.

15 feet from one another also to provide flexibility in applying the cluster option, and as permitted by current ordinance

- C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

and/or attached

Attached units will preserve open space, Natural features, woodlands..etc. and would not require much space and satisfy allowable density.

- D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses. 5.

34.60.06 Open Space Requirements:

6. (15%) As permitted A.
by the current
cluster ordinance

^{6.}
Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent

7. The upland area should not be a requirement to the open space, specially in dry areas.

(50%) of the minimum required open space shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

7.

delete

- B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.

- C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:

1. Area proposed as single family residential lots.
2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.

3. The area of any street right-of-way or equivalent private road easement.

D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

August 22, 2002

City of Troy Planning Commission
500 W. Big Beaver Road
Troy, Michigan 48084

RE: Proposed open space preservation development

Dear Commissioners:

It is my understanding that the above referenced subject will be discussed at the Planning Commission Study meeting on August 27, 2002, or September 10, 2002

In reading the proposed open space preservation option development, I have the following comments.

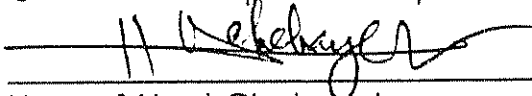
1. Density should be based on the current zoning not on what is called "parallel plan" especially when the parallel plan yields less density than the current zoning will allow.
2. Over all density shall be equal to the density allowable by the current zoning. Needless to say that the current cluster district based on the underlying zoning provide for a bonus density. In the absence of a bonus density at least you should keep density the same as that of the current zoning.
3. Setbacks, front set back of twenty five (25) feet in good, rear set back should be thirty five (35) in order to provide flexibility in applying the cluster option. If the site is surrounded by different zoning classification then the least allowable rear setback should be used not to exceed thirty five (35) feet. Side set backs should be kept at a minimum of fifteen (15) feet.
4. Open space should be limited to fifteen percent, not twenty percent.

5. In general the proposed open space preservation development should have provisions that help develop difficult shape parcel configuration.

I thank you for taking these comments into consideration.

Sincerely,

Choice Development Corporation

A handwritten signature in black ink, appearing to read "Youssef Chehayeb", is written over a horizontal line.

Youssef (Joe) Chehayeb

Vice President

Cc: Planning Commissioners
Mr. John Szerlag, City Manager
Mr. Mark Miller, Planning Director

Proposed City Council Protocol Pledge

DRAFT

We pledge...

- To be leaders in displaying respect and courtesy among council, staff, and citizens
- To take individual & collective responsibility for decorum
- To encourage solutions to citizen problems through staff
- To keep debate with citizens at a minimum
- To enforce rules about citizen comment at meetings
- To seek win-win situations
- To discuss issues in an orderly fashion (as opposed to heated arguing)
- To focus on interests/goals/objectives rather than defending positions

Notes from Nalbandian Retreat

Councilmember Suggestions for a Pledge
(similar to the one from Cedar Rapids, IA handout)

Our Pledge

- To communicate & show respect for other councilmembers
- To demonstrate in word and action respect for staff
- To take individual responsibility for decorum – speak up
- The Mayor will be attentive to councilmembers wishing to speak
- To encourage solutions to citizen problems through staff
- To keep debate with citizens at a minimum
- To enforce rules about citizen comment at meetings

CEDAR RAPIDS, IOWA CITY COUNCIL 1996

OUR OPERATING NORMS

We Pledge....

- ...To place cooperation, trust, and respect at the heart of all we do.
- ...To behave ethically as we carry out our daily responsibilities.
- ...To support one another at and beyond the council table.
- ...To operate as an effective team, continually improving that effectiveness.
- ...To work for "win-win" situations instead of "win-lose."
- ...To actively listen, keeping an open mind, and suspending judgment.
- ...To stay focused and avoid tangents.
- ...To be pro-active in the exercise of our office.
- ...To do our best to answer questions posed by one another, our employees, and the community.
- ...To honor "discussion" before "decisions."
- ...To avoid discounting each other and the public by our words, gestures, body language, and "side bar" conversations.
- ...To be consistent in process and operation.
- ...To address and refer to one another by title while on the job.
- ...To be honest and candid with one another.
- ...To give and take positive feedback and coaching.
- ...To focus on working "with" instead of "for" or "under."
- ...To not take differences of opinion personally.
- ...To disagree agreeably and professionally.
- ...To realize that people make mistakes - forgive and forget.
- ...To realize the virtue of debate and to avoid the liability of argument.
- ...To realize and honor varying work styles, personalities, and process needs.
- ...To share information and avoid surprises.
- ...To minimize the practice of "sign-offs" and "ratify" when needed.
- ...To challenge and motivate one another.
- ...To maintain a sense of levity - public service should be fun as well as work.

CHAPTER 85-A

POLITICAL SIGNS

1. Definitions

Unless it appears from the context that a different meaning is intended, the following words shall have the meanings given them in this section.

- (a) "Director" means the Building Official or his authorized representative of the City of Troy.
- (b) "Political Sign" means a sign whose message relates to: The election of a person to public office, or to a political party, or to a public issue, which shall be voted on at an election called by a public body. Signs relating to an expression of opinion may be included in this definition providing they are not signs as defined in Chapter 78.

(Rev. 9-23-96)

- (c) "Public Property" means all publicly-owned property, including streets, rights-of-way, easements, and everything affixed thereto and thereover.
- (d) "Sign" means and includes any bill, poster, placard, handbill, flyer, painting, sign or other similar object in any form whatsoever which contains printed or written matter in words, symbols, or pictures, or in any combination thereof.

2. Measurement of Sign Area

For the purpose of this Chapter, for either single face or double face signs, the area of the sign shall be determined by calculating the outermost dimensions of any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. For a sign so arranged that the faces are greater than twenty-four (24) inches from one another or such sign with any two (2) faces that form a "V" in plan and the angle of the "V" is greater than fifteen (15) degrees, the total area shall be computed as a single face sign.

(Rev. 2-1-99 - Effective April 6, 1999)

3. Political Sign Control

- (a) Political signs may be erected in addition to all other signs permitted by Chapter 78 without a permit if they comply with the provisions of this section. Permission shall be obtained from the property owners where signs are located.

(Rev. 2-1-99)

- (1) Notice of Intent: In order to alleviate enforcement problems and to settle disputes, each candidate or responsible person shall submit to the Building Department a list indicating the number, location and property owner name where a sign or signs are placed. This information shall be submitted within 24 hours of sign placement.

Chapter 85A - Political Signs

- (b) Uses: Political signs shall be solely for the purpose of providing information relating to the election of a person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted subject to the following conditions.

- (1) Maximum Area and Number: No more than two (2) political signs shall be placed on any parcel of real property in one ownership and the area of each sign shall not exceed two and one half (2.5) square feet. Political Signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way. Political signs shall be ground or wall signs, no ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.

(Rev 2-1-99 - Effective 4-6-99)

- (2) No sign shall be erected or displayed earlier than thirty (30) days before an election or event to which it relates, and shall be removed within ten (10) calendar days after the event or election. Signs that express an opinion unrelated to an election date are limited to a period of display not to exceed thirty (30) days in one (1) calendar year on any parcel of real property in one ownership. Signs shall not be attached to any utility pole or be located within any public right-of-way.
- (3) Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

(Rev. 12-19-77)

4. Removal of Illegal Signs

The Director, or his authorized agents, shall remove any political campaign sign found posted within the corporate limits of the City which is in violation of this Chapter.

(Rev. 12-19-77)

5. Authority of the Directory

For the purpose of removing political signs, the Director or his authorized agents, are empowered to enter upon the property where the signs are posted, and the Director is further authorized to enlist the aid or assistance of any other department of the City and to secure legal process to the end that all such signs shall be expeditiously removed from any property where posted.

6. Removal Procedure

Where the Director or his agents find that a political sign has been posted in violation of this Chapter, he shall remove the sign and store it in a safe location.

(Rev. 8-3-98)

7. Storage -- Notice -- Return

If the Director or his agents remove any political sign, he shall keep a record of the location from which the sign was removed. He shall store the political sign in a safe location for at least seven (7) days, and shall immediately notify by telephone the candidate, committee or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the Director is unable to make telephone contact, he shall provide written notice, if the address of the candidate, committee or person is known or can be ascertained. The Director shall return any political campaign sign upon the payment of a fee of Ten (\$10) Dollars for each sign, to cover the costs of removal, notice and storage.

EXCEPTION: Beginning seven (7) days prior to any election the storage and notification requirements shall not apply to those illegal signs removed by the Director or his agents.

Illegal signs removed during this time period may be disposed of as necessary.

(Rev. 9-23-96)

8. Removal of Sign - Charge

The City shall be entitled to receive the sum of Ten (\$10) Dollars for every political campaign sign removed by the Director, to cover the expense of removal, notice and storage. In cases where unusual effort is needed to remove a sign, such as the cutting or removal of supporting structures, use of aerial devices, towing of "trailer signs", or other unusual situation, the City shall collect from the person responsible a sum sufficient to cover the costs and hourly wages of employees so utilized.

(Rev. 12-19-77)

9. Persons Responsible

In a campaign for political office, the candidate for such office shall be deemed the person responsible for the posting of political campaign signs, unless he first notifies the Director or another person who is responsible. In such case, the candidate shall provide the name, address, telephone number, and signed consent of such other responsible person. In a campaign regarding a ballot measure, the president of the committee supporting or opposing such ballot measure shall be deemed responsible, unless he first notifies the Director or some other person responsible, in the manner described above. The candidate, or in the case of a ballot measure, the committee president, or other responsible person if so designated, shall be liable to pay any fees or costs for the removal and storage of illegal signs, as set out herein.

10. Illegal Signs - Public Nuisance

Political signs in violation of this Chapter are hereby declared to be public nuisances, and may be abated by the City. The collection of removal fees shall not preclude the City from prosecuting the responsible person.

(Rev. 12-19-77)

A. The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a "parallel plan".

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.
2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

- A. Overall density shall not exceed the number determined in the parallel plan.
- B. Setback provisions shall remain, except:
 1. Front yard setbacks may be reduced to not less than 25 feet.
 2. Rear yard setbacks shall be equal to or exceed the rear yard setback requirements for adjacent residential zoning districts.
 3. The side yard setback for buildings within the development may be reduced to permit buildings not less than 20 feet from one another.
- C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.
- D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

34.60.06 Open Space Requirements:

- A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an

undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent (50%) of the minimum required open space shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

- B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.
- C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:
 - 1. Area proposed as single family residential lots.
 - 2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.
 - 3. The area of any street right-of-way or equivalent private road easement.
- D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located

to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

Chapter 78

Signs

1.00 Short Title

This Ordinance shall be known as and may be cited as the City of Troy Sign Ordinance.

2.00 General Provisions

2.01 Findings and Purpose:

It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by proliferation of signs. It is also determined that proliferation of signs restricts light and air. It is also determined that proliferation of signs negatively affects property values. It is also determined that proliferation of signs results in an inappropriate use of land. The purpose of this Ordinance is to control the occurrence and size of signs in order to reduce the aforementioned negative effects. It is also determined that the signs of least value to people within the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or indicates the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes. It is also determined that restrictions in this Ordinance on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purposes.

2.02 Definitions: For the purpose of this chapter, certain terms, words and tenses used herein, shall be interpreted or defined as follows:

2.02.01 Sign: A sign means any structure or wall or other object used for the display of any message. Nothing in this ordinance shall be construed so as to prohibit ideological or noncommercial advertising on any sign on which commercial advertising is permitted.

2.02.02 Roof Sign: A sign which is erected, constructed or maintained upon, and projects above or beyond the roof or parapet.

2.02.03 Ground Sign: A free standing sign supported by one or more uprights, braces, or pylons located in or upon the ground and not attached to any building.

2.02.04 Projecting Sign: A sign which is affixed to any building or part thereof, or structure, which extends beyond the building wall or parts thereof, or structure by more than twelve (12) inches.

(Rev. 04-24-95)

Chapter 78 - Signs

- 2.02.05 Wall Sign: A sign attached to, painted on, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line. The roof line means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, the deck line of mansard roofs, and the average height between eaves and ridge boards for gable, hip and gambrel roofs.
- 2.02.06 Building Inspector: The Director of Building and Zoning or his authorized representative.
(Rev. 08-02-99)
- 2.02.07 Department: The Building Department of the City of Troy, its officers, inspectors and other employees.
- 2.02.08 Owner: A person, firm, partnership, association or corporation and/or their legal successors.
- 2.02.09 Person: Any individual firm, partnership, association or corporation and their legal successors.
- 2.02.10 Sign Erector: Any person engaged in the business of erecting, altering, or removing signs on a contractual or hourly basis.
- 2.02.11 Board of Appeals: Board of Appeals means the Building Code Board of Appeals.
(Rev. 07-19-99)
- 3.00 Signs Not Requiring Permits:

No erection permit shall be required for signs enumerated as follows by this paragraph. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection, and maintenance.
- 3.01 Small Signs: Any sign erected on a premise which is not more than two square feet in area.
- 3.02 Sale, Rent or Lease Signs: Signs not to exceed six (6) square feet in area used to advertise real estate or garage sales and directional signs for such sales as further described below and limited to a height of 42". Signs located in a corner clearance shall not exceed 30" in height.
- A. A real estate sign advertising a premise for sale, rent or lease, for a single dwelling or building or vacant land.
 - B. A real estate sign for the purpose of providing direction may be located on private property on Sundays, Tuesdays and Saturdays with permission from the property owner.
 - C. A garage sale sign having the dates of the sale clearly indicated for the purpose of providing direction may be located on private property on Thursday, Friday, Saturday and Sundays with permission from the property owner.
(Rev. 06-07-99)

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- 3.03 Street Signs: Signs erected by the City, County, State or Federal Government for street direction or traffic control.
- 3.04 Non-commercial Signs: Signs containing non-commercial informational or directional messages which do not exceed six square feet in area.
- 3.05 Interior Building Signs: Signs located on the interior of buildings.
- 3.06 Signs Not Visible From Rights of Way: Signs not visible from any adjacent right-of-way which do not exceed thirty-six square feet.
- 3.07 Corporate Flags: Not more than one corporate flag when flown in conjunction with the American or State flag.
- (Rev. 11-27-95)
- 4.00 Administration
- 4.01 Enforcement: This Chapter shall be administered and enforced by the Building Inspector as provided for in Chapter 1 of the Troy City Code.
- 4.02 Permit Required: It shall be unlawful for any person to erect, re-erect, alter, or relocate any sign unless a permit shall have been first obtained from the Building Inspector, except as provided in Section 03.00 and a permit fee paid in accordance with the schedule adopted by resolution of the City Council.
- 4.03 Application: Applications for sign permits shall be made upon forms provided by the Building Department for this purpose and shall contain the following information:
- 4.03.01 Name, address and telephone number of applicant.
- 4.03.02 Location of the building, structure, or lot to which the sign is to be attached or erected.
- 4.03.03 Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way existing or proposed.
- 4.03.04 Two copies of the plans and specifications and method of construction and attachment to the building or in the ground.
- 4.03.05 Copy of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with the regulations adopted by the City of Troy.
- 4.03.06 Name and address of the sign erector.
- (04-24-95)
- 4.03.07 Insurance policy as required herein.
- 4.03.08 Such other information as the Building Inspector may require to show full compliance with this and other applicable laws of the City of Troy and the State of Michigan.

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- 4.03.09 When the public safety so requires, the application containing the aforesaid material shall, in addition, bear the certificate or seal of a registered structural or civil engineer as a condition to the issuance of a permit.
- 4.03.10 Indicate the zoning district that the sign is to be located in.
- 4.04 Insurance Requirement: Permits may be issued to sign erectors only under the following conditions.
- 4.04.01 Insurance Certificates: Before a permit is issued for the erection of a sign, the installing company shall submit for filing with the Building Department, a Certificate of Insurance, approved by the City Attorney, for Public Liability in the amount of One Hundred Thousand (\$100,000) Dollars for injuries to one person and Three Hundred Thousand (\$300,000) Dollars for injury to more than one person, and Property Damage insurance in the amount of Twenty-Five Thousand (\$25,000) Dollars for damage to any property due to the actions of himself or any of his agents or employees.
- 4.04.02 Lapsing of Insurance: At any time the insurance of any sign erector is permitted to lapse, his right to obtain permits shall automatically be revoked.
- 4.04.03 Notification of Change: A sign erector shall notify the Building Department of any change in address, and if a firm or corporation, an change in ownership or management if other than that indicated on the Insurance Certificates.
- 4.04.04 Registration Required: Sign erectors shall be registered with the City of Troy; registrations shall expire April 1st of each year. Registration fee shall be established by a schedule adopted by resolution of the City Council.
- 5.00 Permit Fees: Permit fees shall be determined based on size, type and height according to the following schedule:

AREA	<u>WALL SIGNS</u>		<u>GROUND SIGNS</u>
	Painted on wall	Structurally Attached	
Under 100 sq. ft.	\$ 75.00	\$ 100.00	\$125.00
100 to 200 sq. ft.	100.00	125.00	150.00
200 to 300 sq. ft.	100.00	150.00	175.00

EXCEPTION: Special Event Signs \$30.00 per event.

(Rev. 10-6-97)

6.00 Construction Requirements

6.01 General Provisions:

- 6.01.01 Material Requirement: All signs shall be designed and constructed in conformity to the provisions for materials, loads, and stresses of the latest adopted edition of the B.O.C.A. Code and requirements of this Chapter.

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- 6.01.02 Fastenings: All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.
- 6.01.03 Fire Escapes: No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.
- 6.01.04 Support Location: No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.
- 6.01.05 Flashing Signs: Flashing or intermittent illumination of signs shall be prohibited.
- 6.01.06 Changeable Message Signs: The message change cycle of a changeable message sign shall be not less than one minute per message, except in a combined time and temperature sign where the change cycle shall not be less than 30 seconds.
- 6.01.07 Revolving Signs: Signs that revolve shall make no more than four complete revolutions per minute.
- 6.01.08 Traffic Interference: No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- 6.01.09 Rehanging: In case of rehanging or re-erection of any sign, the erector must place his identification and the date on the sign.
- 6.01.10 Proximity to Electrical Conductors: No sign shall be erected so that any part including cables, guys, etc. will be within six feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility pole or standard.
- 6.01.11 Sanitation: Property surrounding any ground sign shall be kept clean, sanitary, free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.
- 6.01.12 Responsibility of Compliance: The owner of any property on which a sign is placed, and the person maintaining said sign, are equally responsible for the condition of the sign and the area in the vicinity thereof.
- 6.01.13 Erector's Imprint: Signs of every class must carry the identification of the sign erector in clearly legible letters.
- 6.02 Compliance Certificate Required:
(Rev. 04-24-95)
- 6.02.01 Compliance Certification: All signs shall be inspected at original installation; if found to comply with this chapter, the sign shall be issued a certificate of compliance.
- 6.02.02 Inspections: The Director of Building and Zoning shall cause existing signs to be inspected if deemed necessary by him to determine continuation of compliance with the provisions of this chapter.

(Rev. 7-12-99)

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6.02.03 Concealed Work: In cases where fastenings are to be installed and enclosed in such a manner that the Building Inspector cannot easily remove material to see the fastenings and material used, the sign erector must advise the Building Inspector so that the inspection may be made before concealment.

6.02.04 Removal of Signs: Should any sign be found unsafe, insecure, improperly constructed or not in accordance with the requirements of this Chapter, the erector and/or owner shall be required to make the sign safe, secure and otherwise in compliance with the requirements of this Chapter within 30 days of notice. Failure to comply shall result in an order to remove the sign within 48 hours from the time of notification in writing.

Exception: Existing signs determined to be unsafe and an immediate hazard to health or safety shall be removed or repaired at the owner's expense within 48 hours of notification.

6.03 Illuminated Signs:

6.03.01 Illumination: No sign shall be illuminated by other than approved electrical devices and shall be installed in accordance with the requirements of the regulations adopted by the City of Troy. No open spark or flame may be used for display purposes unless specifically approved by the Building Inspector.

6.03.02 Shielding from Residential Districts: Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent residential zoning districts and shall not adversely affect driver visibility on adjacent public thoroughfares.

7.00 Regulations for Permitted Signs

General Provisions: The following conditions shall apply to all signs erected or located in any zoning district.

7.01.01 Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

Exceptions:

A) Signs established and maintained by the City, County, State, or Federal Governments.

B) Banners, advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.

(Rev. 07-17-00)

C) Subdivision identification signs not more than five feet in height and not more than 50 square feet in area located within the median of boulevard entrance streets subject to City Council approval of design and materials and further subject to the execution of an agreement with the City of Troy covering liability and maintenance of the sign. The height of such signs shall further be subject to the corner clearance requirements of Figure 7.01.01.

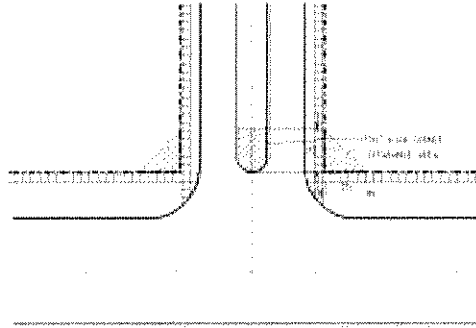


Figure 7.01.01

(Rev. 11-05-01)

7.01.02 Signs Overhanging Intersections: No sign above a height of 30 inches shall be located within, project into, or overhang the triangular area formed at the intersection of any two street right-of-way lines (existing or proposed) by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.

7.01.03 Construction Signs: A building under construction may have one sign on the site of construction. The sign may not exceed 10% of the square foot area of the front of the structure with a maximum size of 200 square feet.

7.01.04 Roof Projecting Signs: Roof signs and projecting signs are prohibited.

Vacant Land Signs:

- (a) One sign not to exceed six square feet in area on parcels of vacant land two acres in size or less.
- (b) Signs on parcels of vacant land exceeding two acres shall not exceed 15 square feet of sign per acre of land or 15 square feet of sign per 100 lineal feet of thoroughfare frontage, not to exceed 100 square feet of sign area. Signs shall be spaced 200 feet or more apart.

7.01.06 For Sale or Lease Signs: For sale or lease signs shall be removed within 10 days of sale or lease or within one year of date of installation, whichever occurs first.

7.01.07 Neon Tubes: Installation of neon tubing used as borders or accent strips on the exterior of any building shall be prohibited.

(10-19-98)

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8.00 Measurement of Signs:

8.01.00 Sign Area: For the purpose of this Chapter, the area of the sign shall include the total area within any circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any similar figure, together with any frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

8.01.01 Single Face Sign: For a single face sign, the area shall be computed as the total exposed exterior surface in square feet.

8.01.02 Multi-faced Signs: When the sign has two or more faces, the area of all faces shall be included in computing the area of the sign.

Exceptions:

1. For a sign that has two or more faces placed back to back, the area shall be computed as one-half the total exposed exterior surface area in square feet.
2. For a sign that has two or more faces so arranged that the faces are greater than 24 inches from one another or such sign with any two faces that form a "V" is greater than 15 degrees, the area shall be computed as a single face sign.

8.01.03 Wall Signs: When a sign consists solely of writing, representation, emblems, logos, or any other figure or similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines touching the outer limits of the sign and extending not more than one foot from smaller sign elements. However, in no instance shall there be any line having a dimension of less than one foot.

(Rev. 04-24-95)

8.02 Sign Height: The height of the sign is measured from the ground to the highest point of the sign from the ground.

9.00 Schedule of Sign Regulations:

9.01 Permitted Signs: Except as otherwise provided herein, signs shall only be permitted according to the following Tables, and Zoning District Regulations.

Chapter 78 - Signs**STANDARDS FOR GROUND SIGNS****TABLE A - GENERAL PROVISIONS**

Zoning District	Minimum Setbacks	Maximum Height	Maximum Area
All R and C-F	10 ft. from Street	12 ft.	See 09.02.01 & 09.02.02
All B, H-S, O, R-C and Planned Auto Centers in M-1	O*	See Table B	See Table B
M-	10 ft from street* 50 ft. from "R" Dist.	12 ft.	100 sq. ft. Max. See 09.02.05

TABLE B - HEIGHT AND AREA REQUIREMENTS IN "O" "B", "H-S", "R-C" AND PLANNED AUTO CENTER DISTRICT

Setback Range	Height Maximum	Area Maximum
0 ft. - 20 ft.	10 ft.	50 sq. ft.
20 ft. - 30 ft	20 ft.	100 sq. ft.
30 ft. +	25 ft.	200 sq. ft.

* Indicates setback from existing street right-of-way, or from planned right-of-way (Master Thoroughfare Plan), whichever is greater.

(Rev. 04-24-95)

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9.02 Zoning District Regulations:

9.02.01 R-1 and R-2 Districts: Signs in single-family and two-family districts shall be permitted as follows:

- A. Dwelling Units: Not more than one of each sign described in Section 3.02.
- B. Special Approval Uses Listed in Chapter 39, Section 10.30.00 and Subdivision Entrances: One sign not to exceed 100 square feet in area.
- C. Subdivision Under Development: Signs in a subdivision being developed shall not exceed 200 square feet in area, and shall be spaced a minimum of 200 feet apart.

9.02.02 RM, RIT, CR-1 and CF Districts: Signs in Multiple Family Housing or Cluster Housing, and Community Facility Developments shall be permitted as follows:

- A. One sign not to exceed 100 square feet in area.
- B. One additional sign not to exceed 36 square feet in area.
- C. No sign shall be located closer than 30 feet to any property line of an adjacent R-1 or R-2 District.

9.02.03 All O and R-C Districts: Each building shall be permitted signs as follows:

- A. One wall sign for each building, not to exceed 10% of the area of the front of the structure to a maximum size of 200 square feet in area.
- B. One ground sign in accordance with tables "A" and "B".

Exception: No sign shall be located closer than 30 feet to any property line of adjacent residential district.
- C. One ground sign not to exceed thirty-six square feet in area when the site fronts a major thoroughfare.
- D. Each tenant may have one wall sign on the ground floor not to exceed 20 square feet in area. The sign must be located on the face of the area occupied by the tenant. Individual ground signs for each tenant within an office building shall not be permitted.

9.02.04 B-1, B-2, B-3 and H-S Districts: Each business development (one or more uses within a building or buildings using common parking facilities) shall be permitted signs as follows:

- A. Ground Sign: One ground sign in accordance with Tables "A" and "B" above plus one not to exceed thirty-six square feet in area when the site fronts on a Major Thoroughfare.

Exception: The Required setback for ground signs from adjacent residentially zoned property shall be the same as for buildings within the zoning district.

(Rev. 04-24-95)

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- B. Wall Sign: The total combined area of all wall signs for each tenant shall not exceed 10% of the front area of structure or tenant area. The signs must be located on the face of an area occupied by the tenant.

9.02.05 M-1 Districts: Each M-1 development shall be permitted signs as follows.

- A. Ground Signs: One ground sign in accordance with Tables "A" and "B" plus one not to exceed thirty-six square feet in area when the site fronts on a Major Thoroughfare.
- B. Wall Signs: One wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum of 100 square feet, plus one wall sign for each tenant, not to exceed 20 square feet in area. Signs must be located on the face of an area occupied by the tenant.
- C. In M-1 districts, in addition to paragraph A. & B., an M-1 Site may be permitted an additional ground sign, provided:
1. The sign is set back a minimum of 200 feet from any street right-of-way.
 2. The sign is located at least 1,000 feet from any sign exceeding 100 square feet in area.
 3. The sign does not exceed 300 square feet in area.
 4. The sign does not exceed 25 feet in height.
- D. In M-1 Districts a dealership within a Planned Auto Center shall be permitted signs as follows:
1. One Ground Sign in accordance with Tables "A" and "B" above.
 2. Two additional signs not to exceed 20 square feet in area each.

10.00 Non-Conforming Signs:

10.01 Intent: It is the intent of this Chapter to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming. It is considered as much a subject of health, safety, and welfare as the prohibition of new signs in violation of this Chapter. It is the intent, therefore, to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights.

10.02 Continuance: A non-conforming sign may be continued, and shall be maintained in good condition, but shall not be:

10.02.01 Replaced by another non-conforming sign.

10.02.02 Structurally altered so as to prolong the life of the sign.

(Rev. 04-24-95)

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- 10.02.03 Expanded.
- 10.02.04 Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the estimated replacement cost.
- 11.00.00 Signs on Motor Vehicles
(Rev. 04-19-99)
- 11.01.00 No person, corporation, partnership or other legal business entity shall stand or park a motor vehicle on public or private property, in the City of Troy, for the purpose of advertising same "for sale" or "for trade".
(Rev. 04-19-99)
- 11.01.01 Exceptions:
- A. This section shall not apply to properly licensed auto dealerships and properly licensed used car lots.
 - B. This section shall not apply to the owner of a motor vehicle who places a "for sale" or "for trade" sign on or within the vehicle provided:
 - 1. The vehicle is located only on the vehicle owner's residential property, and;
 - 2. The owner of the vehicle displays a clearly visible sign on the vehicle indicating the owner's name and address.
 - 3. Not more than one vehicle is displayed on the residential property.(Rev. 08-02-99)
 - C. This section shall not apply to the owner of nonresidential property who places or allows to be placed a "for sale" or "for trade" sign on or within the vehicle provided:
 - 1. Not more than one vehicle is displayed on the nonresidential property; and;
 - 2. The owner of the vehicle displays a clearly visible sign indicating the nonresidential property owner's consent to the display of the vehicle.(Rev. 04-19-99)
- 11.01.02 A sign containing a phone number in or on a parked motor vehicle which was visible constitutes a presumption that the sign was for the purpose of offering the vehicle for sale or trade.
(Rev. 04-19-99)

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- 11.01.03 Proof that the vehicle described in the complaint was parked in violation of this Section, together with proof that the defendant named in the complaint was at the time of the parking, the registered owner of the vehicle, constitutes a presumption that the registered owner is responsible for the violation.

(Rev. 04-19-99)

12.00 Appeals

- 12.01 General: Any person aggrieved by any decision, ruling or order from the Building Inspector, may appeal to the Building Code Board of Appeals. The Building Code Board of Appeals may grant a variance after a public hearing. The appeal shall be made by filing with the Building Department an application for hearing before the Building Code Board of Appeals specifying the grounds for appeal. The Director of Building and Zoning shall transmit to the Building Code Board of Appeals all documents relating to the appeal.

Upon receipt of the Appeal Application from the Director of Building and Zoning, the City Administration shall by resolution establish a date of the Public Hearing which date shall respect the following requirements:

1. All owners of property within 300 feet of the property proposed to be the site of such sign shall be notified by U.S. Mail.
2. Said notice shall be postmarked no less than 14 days before the date of the Public Hearing.

(Rev. 07-19-99)

- 12.02 Variances: The Building Code Board of Appeals has the power to grant specific variances from the requirements of this Chapter upon a showing that:

(Rev. 07-19-99)

- 12.02.01 The variance would not be contrary to the public interest or general purpose and intent of this Chapter;

- 12.02.02 The variance does not adversely affect properties in the immediate vicinity of the proposed sign; and

- 12.02.03 The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

- 12.03 Duration of Variances: No variance shall be given for a period greater than 15 years. All variances shall terminate upon alteration or reconstruction of more than 50% of the sign or at a date set by the Building Code Board of Appeals, whichever occurs first.

(Rev. 07-19-99)

13.00 Penalties

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- 13.01 General: It shall be unlawful for any person to erect, construct, maintain, enlarge, alter, move, or convert any sign in the City of Troy, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Chapter. Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punishable with a fine of not more than \$500 and not less than \$50. Any sign constituting an immediate hazard to health and safety is deemed a nuisance and may be removed by the Building Inspector at the expense of the owner of the sign.
- 13.02 Signs in Public Right-of-Way: In addition to the penalties prescribed in paragraph 13.01, any sign erected in violation of this section in a public right-of-way may be removed by the Building Inspector or his authorized representative and stored in a safe location for at least 48 hours. During this period of time the owner of the sign may obtain his sign upon request and payment of a fee of Fifty Dollars (\$50) for each sign to cover the costs of removal and storage. After 48 hours, the Building Inspector may dispose of the sign.
- 14.00 SPECIAL EVENT SIGNS
- 14.01 General: Special sign permit requests for events such as, but not limited to, grand openings, vehicle shows/displays, craft shows, benefit rummage/bake sales and festivals occurring on sites, which exceed the signage permitted in this Chapter, shall be eligible for a Special Event Sign Permit, subject to the following provisions:
1. Submittal of plans indicating the following:
 - a. Site layout (building location, parking, etc.)
 - b. Number, size and location of signs including banners, flags, cold air balloons, other forms of signage.
 2. Provide documentation detailing the purpose of the event and desired dates, and written approval of property owner, if the applicant is not the owner.
- 14.02 Special Event Sign permit shall be issued for no more than seven (7) consecutive days within any twelve (12) month period.
- 14.03 No more than four off-site signs related to the event may be permitted. Such off-site signs shall be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties proposed for off-site signs, prior to obtaining a permit.
- 14.04 Any appeal from a determination of the Building Department relative to Special Event Signs shall be considered by the Building Code Board of Appeals, and shall be subject to the procedures and the fees as established by the Building Code Board of Appeals for Sign Variances.
- Exception: All fees related to a variance requested by those submitting proof of non-profit status, shall be waived.

(Rev. 07-19-99)

(All Section 14.00 - 10-6-97)